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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/744,874	03/26/2001	Noel Roger Wakelin	1029.65160	8699

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CHICAGO, IL 60606

EXAMINER

LOPEZ, MICHELLE

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/744,874

Applicant(s)

WAKELIN ET AL.

Examiner

Michelle Lopez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 18, 2005 has been entered.

2. Claims 7, 10, and 11 have been canceled.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitations "the trigger" in line 6, "the relative length of the cable" in line 17, and "the relative shortening or lengthening" in line 20. There is insufficient antecedent basis for these limitations in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rice (3,949,817) in view of Causey (4,207,675), and further in view of Fox (5,598,892).

Rice discloses a handle for attaching to a trigger operated hand tool wherein the handle includes a shaft 1 adapted so as to be attachable at one end thereof to the hand tool 3; a hand grip 31 located at the other end of the shaft; a trigger activator 7 positioned near the hand grip capable of being operatively connected to a trigger 6 associated with the hand tool; the hand grip 31 is angled with respect to the longitudinal axis of the shaft 1 to allow the handle to be easily gripped by a person's hand; a second hand grip 32 positioned on the shaft at a point intermediate to the two ends of the shaft; including a trigger lever 5 operatively connected to the trigger, wherein the trigger activator 7 in the form of a handle lever controls the trigger lever 5 to operate the trigger 6 associated with the hand tool; wherein one end of a cable 9 is connected to the handle lever 7 such that pivoting of the handle lever 7 causes a relative length of the cable 9 to increase or decrease to control activation of the trigger associated with the hand tool's and wherein the other end of the cable is attached at its opposite end to the trigger lever 5 which is pivoted via a relative shortening or lengthening of the cable to control activation of the trigger 6 associated with the hand tool.

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With respect to claim 1, Rice does not disclose that the second hand grip 32 is slidable along the length of the shaft and selectively clampable along the shaft.

However, Causey et al. shows a second hand grip 84 being slidable along the length of a shaft and selectively clampable along the shaft for the purpose of providing convenience and comfort to the operator as in column 6, lines 25-40. Therefore, it would have been obvious to one having ordinary skill in the art to provide Rice's invention with a slidable feature in order to provide convenience and comfort to an operator.

Also, with respect to claim 1, Rice as modified by Causey does not disclose that the trigger activator is in the form of a handle lever.

However, Fox teaches a trigger activator as a handle lever 62 for the purpose of providing a hand grip lever adapted to be actuated by an operator's hand providing convenience and comfort to the operator. In view of Fox, it would have been obvious to one having ordinary skill in the art to have provided a trigger activator as a handle lever, instead of a finger lever, in order to provide a hand grip lever adapted to be actuated by an operator's hand providing convenience and comfort to the operator.

As far as claim 2 was understood, Rice discloses wherein the hand tool comprises a motor as shown in col. 1; 6-9.

With respect to claim 4, Rice as modified by Causey and Fox does not disclose that the shaft is substantially a length of 50 cm to 70 cm. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to find the optimum range for a shaft, since it has been held that where the general conditions of a claim are disclosed in the

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prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

With respect to claim 5, Rice discloses wherein the shaft includes a clamp as shown in Figs. 2-3 at one end thereof capable of holding a hand tool.

With respect to claims 3 and 5, Rice as modified by Causey does not disclose that the hand tool is a nail gun.

However, Fox teaches a hand tool as a nail gun as shown in col. 1; lines 4-7 for the purpose of providing a nail gun with a device to extend the reach of a person operating the nail gun.

5. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fox (5,598,892) in view of Steele (3,985,188), and further in view of Causey et al. (4,207,675).

With respect to claim 1, Fox discloses a handle for attaching to a trigger operated hand tool wherein the handle includes a shaft 22 adapted so as to be attachable at one end thereof to the hand tool; a hand grip 60 located at the other end of the shaft; a trigger activator 62 positioned near the hand grip capable of being operatively connected to a trigger 20 associated with the hand tool; the hand grip 60 is angled with respect to the longitudinal axis of the shaft to allow the handle to be easily gripped by a person's hand; a second hand grip 52 positioned on the shaft at a point intermediate to the two ends of the shaft; including a trigger lever 70 operatively connected to the trigger 20, wherein the trigger activator 62 in the form of a handle lever controls the trigger lever 70 to operate the trigger 20 associated with the hand tool; wherein one end of a cable 64 is connected to the handle lever 62 such that pivoting of the handle lever causes a relative length of the cable 64 to increase or decrease to control activation of the trigger

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associated with the hand tool's and wherein the other end of the cable is attached at its opposite end to the trigger lever to control activation of the trigger 20 associated with the hand tool.

With respect to claim 1, Fox does not specifically disclose that the trigger lever 70 is pivoted via a cable to control activation of the trigger 20 associated with the hand tool.

However, Steele discloses an extension attachment device for a hand tool having a trigger lever 16 pivoted via a cable link as shown in Figs. 3-4 to control activation of a trigger associated with the hand tool for the purpose of extending the reach of the hand tool. In view of Steele, it would have been obvious to one having ordinary skill in the art to have provided Fox's invention with a trigger lever pivoted via a cable to control activation of a trigger associated with the hand tool in order to extend the reach of the hand tool.

Also, with respect to claim 1, Fox as modified by Steele does not show a second hand grip being slidable along the length of the shaft and selectively clampable along the shaft.

However, Causey et al. shows a second hand grip 84 being slidable along the length of the shaft and selectively clampable along the shaft for the purpose of providing convenience and comfort to the operator as in column 6, lines 25-40. Therefore, it would have been obvious to one having ordinary skill in the art to provide a slidable feature in order to provide convenience and comfort to an operator.

With respect to claim 2, Fox shows wherein the trigger operated hand tool is motorized as described in column 1, lines 4-7.

With respect to claim 3, Fox shows wherein the trigger operated hand tool is a nail gun as described in column 1, lines 4-7.

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With respect to claim 4, Fox as modified by Steele and Causey discloses the claimed invention except for a shaft is substantially a length of 50 cm to 70 cm. It would have been obvious to one having ordinary skill in the art at the time the invention was made to find the optimum range for a shaft, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

With respect to claim 5, Fox shows wherein the shaft includes a clamp 40 at one end thereof capable of holding a nail gun.

6. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fox (5,598,892) in view of Rice (3,949,817), and further in view of Causey et al. (4,207,675).

With respect to claim 1, Fox discloses a handle for attaching to a trigger operated hand tool wherein the handle includes a shaft 22 adapted so as to be attachable at one end thereof to the hand tool; a hand grip 60 located at the other end of the shaft; a trigger activator 62 positioned near the hand grip capable of being operatively connected to a trigger 20 associated with the hand tool; the hand grip 60 is angled with respect to the longitudinal axis of the shaft to allow the handle to be easily gripped by a person's hand; a second hand grip 52 positioned on the shaft at a point intermediate to the two ends of the shaft; including a trigger lever 70 operatively connected to the trigger 20, wherein the trigger activator 62 in the form of a handle lever controls the trigger lever 70 to operate the trigger 20 associated with the hand tool; wherein one end of a cable 64 is connected to the handle lever 62 such that pivoting of the handle lever causes a relative length of the cable 64 to increase or decrease to control activation of the trigger

associated with the hand tool's and wherein the other end of the cable is attached at its opposite end to the trigger lever to control activation of the trigger 20 associated with the hand tool.

With respect to claim 1, Fox does not specifically disclose that the trigger lever 70 is pivoted via a cable to control activation of the trigger 20 associated with the hand tool.

However, Rice discloses an extension attachment device for a hand tool having a trigger lever 5 pivoted via a cable link 9 to control activation of a trigger associated with the hand tool for the purpose of extending the reach of the hand tool. In view of Rice, it would have been obvious to one having ordinary skill in the art to have provided Fox's invention with a trigger lever pivoted via a cable to control activation of a trigger associated with the hand tool in order to extend the reach of the hand tool.

Also, with respect to claim 1, Fox as modified by Rice does not show a second hand grip being slidable along the length of the shaft and selectively clampable along the shaft.

However, Causey et al. shows a second hand grip 84 being slidable along the length of the shaft and selectively clampable along the shaft for the purpose of providing convenience and comfort to the operator as in column 6, lines 25-40. Therefore, it would have been obvious to one having ordinary skill in the art to provide a slidable feature in order to provide convenience and comfort to an operator.

Conclusion

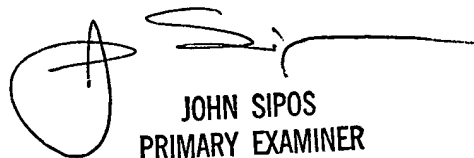
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle Lopez whose telephone number is 571-272-4464. The examiner can normally be reached on Monday - Thursday: 8:00 am - 6:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ML



JOHN SIPOS
PRIMARY EXAMINER